Alaska

I. Background

The Alaska Child Support Services Division (CSSD) is state administered and housed within the Alaska Department of Revenue. According to unaudited data, at the end of federal fiscal year 2006, Alaska had 44,989 open IV-D cases.[1] The child support agency reported 247 full-time equivalent staff.[2] That year Alaska scored above the national average on two of the five federal performance measures (support order establishment and arrearage collections). Alaska scored the same as the national average on the paternity performance measure, using the statewide PEP. The state was lower than the national average in two performance measures (current collections and cost effectiveness).

Alaska has had an administrative process since 1986. The Child Support Enforcement Amendments of 1984 were the major impetus. Because of budget constraints and the growth in the child support caseload, the courts supported the enactment of an administrative process for child support cases. According to agency representatives, within a few years of establishing the administrative process, the public realized that they did not need to appear before a judge in order to be treated fairly. The private bar also appreciates the number of due process protections.

The statutory authority for the Alaska administrative process is Alaska Stat. §§ 25.27.140 to .900.

II. Due Process Summary

Under Alaska's administrative process for establishment of a support order, a party has 30 days to respond to an administrative Notice and Finding of Financial Responsibility. If there is no response to the administrative notice, the Finding of Financial Responsibility is final at the expiration of the 30 day period. If there is a timely challenge, it is heard through a formal administrative hearing.

In Alaska, a child support administrative hearing is before an administrative law judge (ALJ). Administrative law judges are employed by the Department of Administration, which is not part of CSSD or its umbrella agency, the Department of Revenue. A hearing is scheduled within 30 days of the date of service of the request for an administrative hearing. The parties receive notice of the hearing date. Most of the time hearings are in person, in the offices of the ALJ.[3] However, it is not uncommon for the non-appealing party to join in by phone to listen or even to testify. The ALJs keep the attendance options flexible. During the hearing, parties can be represented by counsel. DOR has

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* Interview with Steve Rees, Internal Auditor, Child Support Service Division.

[1] Table 4, Statistical Program Status, OCSE FY 2006 Preliminary Data Report.

[2] State Box Score, OCSE FY 2006 Preliminary Data Report.

[3] According to the agency representative, slightly more than 50% of Alaska's population lives within 40 miles of downtown Anchorage so appearing in person is not difficult for most people.

special caseworkers with extensive experience who present the case for CSSD. The proceeding is subject to the Alaska Administrative Procedure Act; it is recorded and a transcript is available. The ALJ must make a decision within 20 days of the hearing. If the alleged obligor who requested the hearing fails to appear at the hearing, the ALJ enters a decision in the amount stated in the Notice and Finding of Financial Responsibility. An administrative support order is effective once it is issued; it does not require ratification by a court.

Parties can appeal an ALJ decision to the superior court. The notice of appeal must be filed within 30 days of the administrative decision. DOR must file with the court a complete record of the proceedings. On appeal, the court will determine (1) whether the agency has proceeded without or in excess of jurisdiction; (2) whether there was a fair hearing; and (3) whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence. The court may exercise its independent judgment on the evidence. It may augment the agency record in whole or in part, or hold a hearing *de novo*. The court will enter a judgment setting aside, modifying, remanding, or affirming the administrative decision.

Upon the motion of an obligor, the agency may, at any time, vacate an administrative support order issued by the agency that was based on a default amount rather than on the obligor's actual ability to pay. In such a case, before an order may be corrected or vacated, the agency must send notice of the intended action to the obligor and the custodial parent and provide them an adequate opportunity to be heard on the issue. If an order is vacated, the agency may at the same time issue a new order establishing a support amount, based on information about the obligor's income or on the Alaska average wage standard, for periods of time covered by the previous order.

CSSD can administratively modify administrative support orders, but cannot administratively modify a court order. Modification of such orders must proceed through the filing of a petition in the court.

In 1998 the Alaska Supreme Court held that the procedures used by CSED in a particular case to modify an obligor's child support obligation violated the obligor's constitutional rights because they did not provide him adequate notice and an opportunity to be heard.[4] However, there are no reported appellate court decisions on the constitutionality of the Alaska child support administrative procedures, with regard to separation of powers.[5]

[4] *See Bostic v. Dept. of Revenue*, 968 P.2d 564 (Alaska 1998).

[5] Under URESA, the agency would administratively establish a new support order, although there was an existing support order in another state. As a result of litigation, the agency stopped issuing administrative support orders when another state had already issued an order. That approach is consistent with UIFSA.

III. Establishment of Parentage

According to CSSD representatives, the administrative process for paternity establishment is much quicker than the judicial process, and has resulted in a substantial increase in the number of paternity establishments in the state. The process is similar to that outlined in the due process discussion.

Initially, the agency sends the putative father a letter informing him that he has been identified as a potential father of the named child. The letter informs him of his right to request genetic testing. The letter is accompanied by a packet of forms:

- Explanation of the Notice and Orders of the Administrative Paternity Action
- Notice of Paternity and Financial Responsibility
- Administrative Order to Provide Financial and Medical Insurance Information
- Request for Financial Information
- Child Support Guidelines Affidavit
- Response to Paternity Action
- Administrative Order for Genetic Testing

This packet is served on the putative father, the mother, and the custodian personally or by certified mail, return receipt requested, restricted delivery. The packet also includes a paternity acknowledgment form, in the event that the man wants to acknowledge parentage.

The Explanation of the Notice and Orders requires a response within 30 days of service and informs the putative father of his right to request genetic testing. The Administrative Order to Provide Financial and Medical Insurance Information requires the putative father to provide financial information within 30 days after service of the Notice. The Administrative Order for Genetic Testing requires that the mother, child, and putative father submit to genetic testing, to be arranged by the agency, unless a party provides information to show good cause not to order the testing.

The Response to Paternity Action includes the option of acknowledging paternity. If the putative father returns a signed and notarized paternity acknowledgment, the agency prepares an Administrative Order Establishing Paternity, which is filed with the Bureau of Vital Statistics. NOTE: If the putative father was the parent applying for paternity establishment, he cannot acknowledge and must participate in genetic testing.

If the putative father denies paternity, he must submit to genetic testing within 45 days after the date of service of the Notice of Paternity and Financial Responsibility. The agency coordinates the scheduling for genetic testing.

The agency serves the genetic test results on the putative father by first class mail. If the test results exclude the putative father, the agency issues a finding of nonpaternity. If the testing results in a presumption of paternity (95% or higher probability of paternity), the mailing of the test results includes an Administrative Order Establishing Paternity and a

Request for Formal Hearing form.[6] Unlike the process for support establishment, if a party contests the Administrative Order Establishing Paternity, there is no informal conference/administrative review. Any appeal is to a formal administrative hearing.

Either party is entitled to a formal administrative hearing if he or she serves a written request for a hearing on the agency by certified mail, return receipt requested, within 30 days after the date of service of the Administrative Order. If no request for a formal hearing is made, the Administrative Order Establishing Paternity is final.

Any administrative hearing is conducted pursuant to the Alaska Administrative Procedure Act. If the putative father fails to appear at the hearing he requested, the hearing officer must enter a final decision establishing paternity.[7]

If the putative father does not timely respond to the initial letter informing him that he has been identified as a potential father, the agency will issue an Administrative Order Establishing Paternity, defaulting the putative father as the legal father. A general appeal to Formal Hearing is included. NOTE: If the mother has named multiple putative fathers, a default order cannot be issued unless all other putative fathers have been excluded through genetic testing.

Initially, CSSD attempted to resolve support issues at the same time as it addressed parentage. The notice informed the putative father of a proposed amount, and said that if he were found to be the father, support would be set at that amount, effective at once. Because there was criticism that such an approach addressed support issues before a legal obligation to provide support had been established, the agency changed its procedures. Now the establishment of a support amount is treated separately from the establishment of parentage. The initial packet to the putative father includes a request for income information, but support is not determined until after paternity is resolved.

IV. Support Establishment

When a child support establishment case is opened, the caseworker sends the parties a letter, which requests them to provide tax returns, pay stubs, and other income information. The parties may mail or fax the documents into the agency; they do not need to appear in person. The caseworker reviews the information provided by the parties, as well as income data available to the agency through data interfaces. Based on the parties' financial information, the caseworker calculates the guideline amount and prepares a Notice and Finding of Financial Responsibility/Administrative Support Order. If there is no current income information available, the agency can impute income based upon the party's historical wage records as reported to the Department of Labor or

[6] The final decision/order declaring paternity is served by first class mail. The initial (personal) service is the only part of paternity establishment that requires proof of service; thereafter Alaska law allows subsequent notice by regular mail.

[7] If paternity was established administratively without genetic test results meeting the statutory presumptive standard, or without an acknowledgment of paternity, Alaska law provides an administrative process whereby a person can petition the agency for the disestablishment of paternity. See Alaska Stat. § 25.27.166.

Department of Labor statistics (data on what a person of similar age in a similar occupation would earn in that geographical region).

The documents are usually served on the noncustodial parent by certified mail, return receipt requested, restricted delivery; personal service can also be used. They are sent to the custodial parent by first class mail.

The notice informs the alleged obligor of the guideline amount of support for which he has been found responsible for the named children. It further informs the parties of their right to request a review within 30 days because either no duty of support is owed or the amount of support is challenged. The notice further states that if a hearing is not timely requested, the property and income of the alleged obligor is subject to execution in the amount of the order without further notice of hearing.

If there is no response to the Notice, the Finding of Financial Responsibility is final at the expiration of the 30 day period.[8]

If a party requests a review, the party initially meets with a child support caseworker. At one time, Alaska conducted the conferences in person, by mail, or by telephone. In order to be more efficient, the regulations were changed so that a conference "by mail" is now the standard method. The party may be represented by a lawyer, but it is not necessary. During this initial administrative review[9], the party can present additional information about income and other guideline issues, such as the existence of other support orders. The caseworker can only deviate from the support guidelines in limited circumstances, and in consultation with his or her supervisor. The caseworker decides whether the initial Finding of Financial Responsibility should be amended. The caseworker then sends a copy of his or her decision to both parties by first class mail. The parties have 30 days from the date of service to request a formal administrative hearing; the request must be in writing and served on DOR by registered mail, return receipt requested. If no request for a hearing is made, the Finding of Responsibility is final at the expiration of the 30-day period.

If a formal administrative hearing is requested, the hearing is scheduled within 30 days of the date of service of the request for an administrative hearing. The parties receive notice of the hearing date. An ALJ presides over the hearing. The proceeding is subject to the Alaska Administrative Procedure Act. The ALJ must make a decision within 20 days of

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[8] Upon the motion of an obligor, the agency may, at any time, vacate an administrative support order issued by the agency that was based on a default amount rather than on the obligor's actual ability to pay. In such a case, before an order may be corrected or vacated, the agency must send notice of the intended action to the obligor and the custodial parent and provide them an adequate opportunity to be heard on the issue. If an order is vacated, the agency may at the same time issue a new order establishing a support amount, based on information about the obligor's income or on the Alaska average wage standard, for periods of time covered by the previous order.

[9] This administrative review is in the nature of an informal conference with a caseworker. It should not be confused with a formal administrative hearing.

the hearing. If the alleged obligor who requested the hearing fails to appear at the hearing, the ALJ enters a decision in the amount stated in the Notice and Finding of Financial Responsibility.

An administrative support order is effective once it is issued; it does not require ratification by a court.

Parties can object to the ALJ decision by filing a notice of appeal to the superior court within 30 days of the administrative decision. According to the agency representative, when a party appeals to the superior court, the issue is often a question of jurisdiction, such as whether tribal or state court has jurisdiction.

V. Review and Adjustment/Modification

Alaska law does not provide for Cost of Living Adjustments (COLAs) in administrative support orders.

If a party requests a review of an administrative support order, the caseworker first sends the parties a letter requesting financial information. Based on the information provided by the parties and available to the caseworker from various databases, the caseworker conducts a review. Under Alaska law there must be at least a 15% change in the support award to constitute a material change in circumstances warranting a modification. The caseworker will serve the parties with a Notice and Finding of Financial Responsibility/Administrative Support Order, informing them of the outcome of the caseworker review. As noted in the Due Process discussion, either party has 30 days to appeal the decision to an administrative law judge.[10] Parties can appeal the ALJ decision to the superior court.

The child support agency cannot administratively modify a judicial order. When a party requests modification of a court order, CSSD has the party complete a petition, which can be filed in court. The agency then solicits income information from both parties. Using the information provided by the parties, a caseworker calculates the guideline amount, completes some additional forms required by the court, and forwards everything to a staff attorney, who is responsible for reviewing the petition and proposed order. If the calculation indicates that a modification may be warranted (the modification threshold is a 15% change in the support amount), the agency attorney will file the petition and proposed order with the court, and will help the requesting party present his or her case in court. If the calculation indicates that the case does not qualify for a modification, the agency will so notify the requesting party through a denial of modification. The party has an opportunity for an administrative appeal called a "Request for Reconsideration." Alternatively, the party can file a petition in court on the party's own behalf.

[10] By statute, the agency must use its best efforts to process modifications of support orders in a manner that will result in the same average processing time for modifications that increase obligors' responsibilities as for modifications that decrease obligors' responsibilities.

VI. Enforcement

The Alaska child support agency has a full range of administrative enforcement remedies, e.g., income withholding, license suspension, credit bureau reporting. With the exception of contempt, which requires a court hearing, the agency uses the administrative process for enforcement actions.

An enforcement notice is served on the obligor by certified mail. In response to the notice, the obligor may request a review. Challenges are limited because the only issue on appeal is a mistake of fact. Most enforcement hearings are conducted pursuant to DOR's regulations for informal conferences and must be held within 15 days of the date of the review request. A caseworker will conduct the review by telephone, correspondence, or an in person meeting. The caseworker must notify the obligor of the informal conference decision within 15 days from the conference. The parent then has another opportunity to appeal by requesting a formal administrative hearing. During the pendency of the appeal, all enforcement actions will remain ongoing with the exception of the remedy that is the subject of review. The hearing is before an administrative hearing officer. Procedures comply with the Alaska Administrative Procedures Act. Any appeal is to the superior court.

VII. Statistics

Timeframes

DOR conducted an internal audit about two years ago to compare its administrative and judicial processes for modifying child support orders. It examined approximately 195 cases. DOR determined that the administrative process took an average of 62 days to modify a support order; the most difficult cases took 120 days. In contrast, the judicial process took an average of 178 days to modify a support order – just two days short of the required federal time frames that the agency must meet.[11]

In FFY 2006 CSSD established 2175 administrative support orders. According to Alaska's self-assessment, 95% of those orders were established within six months from the date of service; 100% were established within 12 months[12]. This exceeds the federal benchmark that 75% of orders must be established within six months and 90% within one year.

Contests to Administrative Notice

According to agency representatives, when the agency first established its administrative procedures, it was from a "tax collection agency mentality." At the time, there were

[11] NOTE: According to a CSSD representative, these reviews for modification included cases where the change of support was denied because the parties failed to provide required information or there was not a 15% change in the support amount. Such "Denials" count as Reviews but take far less time to issue than a "full modification of the order." This causes the statistical average of the time to complete the modification to be lower than what it would be if one only measured those cases with a change to the ongoing support amount.

[12] According to the CSSD representative, the self-assessment had a 90% confidence level with a +/- 5% standard error.

requests for a caseworker administrative review in approximately 60 – 65% of the cases; about 10 – 15% of those cases sought a second formal administrative hearing. In the 1990's, the agency became more customer service focused. The agency has found that the customer service approach has resulted in more successful service of process, in part because parents do not fear working with the agency. It also has resulted in fewer requests for a caseworker administrative review. In general, the parties are satisfied with the accuracy of the initial findings and allow the support amount stated in the Notice to become an order without debate.

In FY 2006, out of 2175 new administrative support orders, there were only 650 requests for an initial administrative review. Of those 650 cases, parties in 450 cases requested an ALJ hearing. Of those 450 cases, 100 were remanded or dismissed for cause. As a result, only about 16% of the 2175 administrative support orders had a formal hearing before an ALJ.

Number of Administrative Hearing Officers

There are eight administrative hearing officers, plus a supervisor and a trainee, who are qualified to hear appeals of administrative child support orders. However, none are fulltime and only four routinely hear child support cases.

VIII. Strengths/Limitations

The agency representative noted the following strengths of the Alaska administrative process:

- It greatly reduces the time it takes from the initial opening of a case to when money actually reaches the custodial parent.
- It meets federal time frames.
- It is less intimidating to the parties and provides ample due process protections.

The agency representative did not note any limitations.

IX. Recommendations/Best Practices

Ensure that the process provides for lots of contact between a well trained caseworker and the parties – via phone, letter, in-person meetings. Through such contact, the worker can explain the process and agency forms.

The earlier the agency can provide information to the parties, the better.

Make sure the parents understand the due process protections.

In drafting statutes governing administrative procedures, address the responsibility of the ALJ when a party fails to appear at a requested administrative hearing. Do you want the ALJ to enter a default order that conforms to the support amounts stated in the Notice of

Financial Responsibility? Do you want the ALJ to have discretion to enter an order that amends the Notice?

Consider the value of including in-person negotiation conferences within the administrative process.

Make sure the forms are easily understood. The agency has found that writing at a ninth grade education level works well. The agency engaged consultants to help them design the forms and content. The agency has also identified in-house staff with strong writing skills. The advantage of in-house staff is that they have a comprehensive understanding of the agency's business needs, which informs their development and editing of draft forms.

Automation is the key. Place the forms on line so that they can be easily updated. Make sure that the programmers know something about the child support business. Also make sure there is someone who can translate programming language into business user talk. A best practice approach is to conduct a full business modeling process in the early planning stages so people understand not just WHAT form needs to be created online, but WHY it is needed, WHO uses it, and HOW it might be connected to other forms or processes. As hard as it is for an agency to assign its top producers to a development/testing task, there is no substitute for a skilled, focused worker on these projects—and not just a skilled manager looking at the high level issues. Real hands on, and recent, front line work experience is very useful in the planning and implementation stages.

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Selected Alaska Statutes

Sec. 25.20.050. Legitimation by subsequent marriage, acknowledgment in writing, or adjudication.

(k) Upon the motion of the child support enforcement agency or child support services agency, as appropriate, or another party in the action to establish paternity, the tribunal shall issue a temporary order for support of the child whose paternity is being determined. The order may require periodic payments of support, health care coverage, or both. The order shall be effective until the tribunal issues a final order on paternity and a permanent order for support is issued or the tribunal dismisses the action. The temporary order may only be issued if the tribunal finds clear and convincing evidence of the paternity of the putative father on the basis of the results of the genetic tests and other evidence admitted in the proceeding.

(l) The tribunal shall consider a completed and signed form for acknowledging paternity that meets the requirements of AS 18.50.165(a) as a legal finding of paternity for a child born out of wedlock. For an acknowledgment signed on or after July 1, 1997, the acknowledgment may only be withdrawn by the earlier of the following dates: (1) 60 days after the date that the person signed it, or (2) the date on which judicial or administrative procedures are initiated to establish child support in the form of periodic payments or health care coverage for, or to determine paternity of, the child who is the subject of the acknowledgement. After this time period has passed, the acknowledgment may only be contested in superior court on the basis of fraud, duress, or material mistake. The parent wishing to contest the acknowledgment carries the burden of proof by a preponderance of the evidence. Unless good cause is shown, the court may not stay child support or other legal responsibilities while the action to contest the acknowledgment is pending.

(o) In this section, unless the context requires otherwise, "tribunal" means a court, administrative agency, or quasi-judicial entity authorized by state law to determine parentage.

Sec. 25.27.140. Authority and procedures to administratively establish and enforce support obligation.

(a) If a support order has not been entered, the agency may establish paternity and a duty of support, which may include periodic payments of support, a medical support order, or both, utilizing the procedures prescribed in AS 25.27.160 - 25.27.220 and may enforce a duty of support utilizing the procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may be undertaken upon application of an obligee, or at the agency's own discretion if the obligor is liable to the state under AS 25.27.120 (a) or (b).

(b) If a support order has been entered, the agency may enforce the support order utilizing the procedures prescribed in AS 25.27.062 , 25.27.150, and 25.27.230 - 25.27.270.

(c) Unless the agency is establishing only a medical support order, a decision of the agency determining a duty of support shall include an income withholding order as provided under AS 25.27.062 .

Sec. 25.27.150. Initiation of administrative enforcement of orders; required notice.

(a) If an arrearage occurs under a support order being enforced by the agency for which immediate income withholding is not required under AS 25.27.062(a) or an application is made to the agency for withholding under AS 25.27.062 (d), the agency may execute an income withholding order without prior notice to the obligor. At the time of execution, the agency shall serve a notice of income withholding on the obligor. Notice under this subsection shall be served upon the obligor by certified mail to the obligor's last known address, and service is complete when the notice is properly addressed, certified, and mailed.

(b) The notice must state the amount of the overdue support that is owed, if any, and the amount of income that will be withheld.

(c) The notice shall inform the obligor that income withholding has been ordered and of the procedures to follow if the obligor wishes to contest withholding on the grounds that the withholding is improper due to a mistake of fact. The notice must also inform the obligor of the information that was provided to the employer in the document that ordered the withholding.

(d) If the obligor requests a hearing, it shall be conducted under the department's regulations for informal conferences and shall be held within 15 days of the date of the request. The hearing may only be held to determine if there is a mistake of fact that makes the income withholding order improper because the amount of current or overdue support is incorrect, the identity of the obligor is inaccurate, or, for initiated withholding based on AS 25.27.062 (c)(3)(A), the alleged facts regarding overdue payments or potential withdrawal of assets are incorrect. The order is not subject to any other legal defenses. It is not a defense to an income withholding order issued under AS 25.27.062(c)(2) that less than one full month's payment is past due if at least one full month's payment was past due on the date notice was served under this section.

(e) The conference officer shall inform the obligor of the informal conference decision either at the informal conference hearing or within 15 days after the hearing.

(f) If the conference officer determines that withholding will continue, the obligor may request a formal hearing as provided in the department's regulations.

Sec. 25.27.160. Initiation of administrative action to establish support duty; required notice.

(a) An action to establish a duty of support authorized under AS 25.27.140(a) is initiated by the agency serving on the alleged obligor a notice and finding of financial responsibility. The notice and finding served under this subsection shall be served personally or by registered, certified, or insured mail, return receipt requested, for restricted delivery only to the person to whom the notice and finding is directed or to the person authorized under federal regulation to receive that person's restricted delivery mail.

(b) Except as provided in (c) of this section, the notice and finding of financial responsibility served under (a) of this section must state

(1) the sum or periodic payments for which the alleged obligor is found to be responsible under this chapter;

(2) the name of the alleged obligee and the obligee's custodian;

(3) that the alleged obligor may appear and show cause in a hearing held by the agency why the finding is incorrect, should not be finally ordered, and should be modified or rescinded, because

(A) no duty of support is owed; or

(B) the amount of support found to be owed is incorrect;

(4) that, if the person served with the notice and finding of financial responsibility does not request a hearing within 30 days, the property and income of the person will be subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270 in the amounts stated in the finding without further notice or hearing.

(c) If the agency is establishing only a medical support order, the notice and finding of financial responsibility must state

(1) that health care insurance shall be provided for the child to whom the duty of support is owed if health care insurance is available to the alleged obligor at a reasonable cost and that the alleged obligor and the other parent shall share equally the cost of the health care insurance and the costs of reasonable health care expenses not covered by insurance;

(2) the name of the alleged obligee and the obligee's custodian;

(3) that the alleged obligor may appear and show cause in a hearing held by the agency why the finding is incorrect, should not be finally ordered, and should be modified or rescinded, because

(A) no duty of support is owed;

(B) health care insurance for the child is not available to the alleged obligor at a reasonable cost;

(C) adequate health care is available to the child through the Indian Health Service or other insurance coverage; or

(D) there is good cause to allocate the costs of health insurance or uninsured health care expenses unequally between the parents;

(4) that, if the person served with the notice under this subsection does not request a hearing within 30 days, a copy of the medical support order will be sent to the person's employer under AS 25.27.063(b) without further notice or hearing for inclusion of the child in family health coverage if it is available through the person's employer.

Sec. 25.27.165. Determination of paternity in an administrative proceeding.

(a) Upon application from a mother, custodian, putative father, or legal custodian of a child, or from a state, the agency may institute administrative proceedings to determine the paternity of a child born out of wedlock.

(b) In order to initiate a paternity proceeding administratively, the agency shall serve a mother and putative father, as appropriate, with a notice of paternity and financial responsibility. The notice shall be served personally as set out in Rule 4(d), Alaska Rules of Civil Procedure, or by registered, certified, or insured mail, return receipt requested, for restricted delivery only to the person to whom the notice is directed or to the person authorized under federal law to receive that person's restricted delivery mail. The notice must be accompanied by

(1) an administrative order requiring that the mother, child, and putative father submit to genetic testing to be arranged by the agency and stating that a party may provide information to show good cause not to order the testing;

(2) an administrative order requiring the putative father to provide financial information, as defined by the agency in regulation, within 30 days after service of the notice; all financial information provided to the agency under an order under this paragraph shall be held confidential by the agency, according to any applicable regulations; and

(3) a notice of right to informal conference, to be held within 20 days after receipt of an admission of paternity or service upon the parties of genetic test results.

(c) A person served with a notice of paternity and financial responsibility and accompanying orders under (b) of this section shall file a response, admitting or denying paternity and providing the required financial information, within 30 days after the date

of service of the notice of paternity and financial responsibility. If the putative father admits paternity, the agency shall issue, within 20 days after the admission of paternity, a decision establishing paternity. If the putative father denies paternity, the putative father shall submit to genetic testing, as provided in (b) of this section, within 45 days after the date of service of the notice of paternity and financial responsibility. If the putative father fails to file a response or fails to comply with an accompanying order within the time and in the manner required in this subsection, the agency may issue a decision by default establishing paternity and financial responsibility, except that, if the proceeding was instituted at the request of the putative father, the agency shall dismiss the proceeding without prejudice.

(d) Upon receipt of genetic test results, the agency shall serve on the putative father notice of the test results and of the date for the informal conference. Service of the notice shall be made by first class mail. If the genetic test results are negative under the standard set in AS 25.20.050 (d), the agency shall issue a finding of nonpaternity within 20 days after the agency's receipt of the test results. If the genetic test results are positive under the standard set in AS 25.20.050(d), the agency shall issue an informal conference decision within 20 days after the agency's receipt of the test results. Upon request and advance payment by a party, the agency shall order additional genetic tests. If the second genetic test results contradict the first genetic test results, the agency shall provide copies of the second genetic test results to the parties and conduct another informal conference. The agency shall issue the second informal conference decision within 20 days after the agency's receipt of the second genetic test results.

(e) If the agency issues a decision establishing paternity under (d) of this section, the putative father is entitled to a formal hearing if a written request for hearing is served on the agency by certified mail, return receipt requested, within 30 days after the date of service of the agency's decision.

(f) If a request for a formal hearing is made under (e) of this section, an execution under AS 25.27.062 and 25.27.230 - 25.27.270 may not be stayed unless the putative father posts security or a bond in the amount of child support that would have been due under the informal conference decision pending the decision on the formal hearing. If no request for a formal hearing is made under (e) of this section, the informal conference decision establishing paternity is final.

(g) If a request for a formal hearing is made under (e) of this section, the hearing officer shall consider the evidence applying the standards set in AS 25.20.050 (d).

(h) If a putative father who requests a formal hearing under (e) of this section fails to appear at the formal hearing, the hearing officer shall enter a final decision establishing paternity.

(i) The agency may recover any costs it pays for genetic tests required by this section from the putative father unless the testing establishes that the individual is not the father, except that costs may not be recovered from a person who is a recipient of cash assistance

or self-sufficiency services under AS 47.27 (Alaska temporary assistance program). For purposes of this subsection, a person who receives a diversion payment and self-sufficiency services under AS 47.27.026 is not considered to be a recipient of cash assistance or self-sufficiency services under AS 47.27.

(j) A decision establishing paternity or an admission of paternity under this section must include the social security numbers, if ascertainable, of the father, mother, and the child.

(k) Notwithstanding any other provision of this section, if the agency determines, after considering the best interests of the child, that good cause exists not to order genetic testing under this section, it shall, without ordering the genetic testing and as the agency determines appropriate in the best interests of the child,

(1) end the administrative proceedings under this section without making a determination of paternity; or

(2) after a hearing provided for under regulations adopted by the agency, enter a final decision regarding paternity.

Sec. 25.27.166. Disestablishment of paternity.

(a) The agency shall, by regulation, establish procedures and standards for the disestablishment of paternity of a child whose paternity was established in this state other than by court order if the paternity was not established by

(1) genetic test results that met the standard set out in AS 25.20.050(d) at the time the test was performed; or

(2) an acknowledgment of paternity under AS 25.20.050 or an admission of paternity under AS 25.27.165 .

(b) The agency's standards and procedures under (a) of this section must

(1) allow a person to petition the agency to disestablish paternity only once per child;

(2) allow a petition to disestablish paternity to be brought only within three years after the child's birth or three years after the petitioner knew or should have known of the father's putative paternity of the child, whichever is later; and

(3) provide standards and notice and hearing procedures that are equivalent to those used for establishment of paternity under AS 25.27.165.

(c) The agency shall disestablish paternity under this section if genetic test results are negative under the standard set out in AS 25.20.050(d) and if the other standards established in its regulations are met.

(d) If a decision under this section disestablishes paternity, the petitioner's child support obligation or liability for public assistance under AS 25.27.120 is modified retroactively to extinguish arrearages for child support and accrued liability for public assistance based on the alleged paternity that is disestablished under this section. This subsection may be implemented only to the extent not prohibited by federal law.

(e) The costs of genetic testing under this section shall be assessed against the petitioner if paternity is not disestablished. If paternity is disestablished under this section, the costs of genetic testing shall be assessed against

(1) the individual to whom the petitioner paid or owed child support payments for the child for whom paternity was disestablished; or

(2) the agency if there is no individual who meets the description in (1) of this subsection.

Sec. 25.27.167. Contempt of order for genetic testing.

(a) If a person who is located in this state fails to comply with an order for genetic testing issued by the agency in this state, or the tribunal of another state, the agency in this state may certify the facts to the superior court of this state.

(b) Upon certification under (a) of this section, the court shall issue an order directing the person to appear and show cause why the person should not be punished for contempt. The order and a copy of the certified statement shall be served on the person in the manner required for service of court orders to show cause.

(c) After service under (b) of this section, the court has jurisdiction of the matter brought under this section.

(d) The law of this state applicable to contempt of a court order applies to a proceeding for contempt of order for genetic testing brought under this section.

Sec. 25.27.170. Hearings in administrative action to establish support duty.

(a) A person served with a notice and finding of financial responsibility is entitled to a hearing if a request in writing for a hearing is served on the agency by registered mail, return receipt requested, within 30 days of the date of service of the notice of financial responsibility.

(b) If a request for a formal hearing under (a) of this section is made, the execution under AS 25.27.062 and 25.27.230 - 25.27.270 may not be stayed unless the obligor posts security or a bond in the amount of child support that would have been due under the finding of financial responsibility pending the decision on the hearing. If no request for a hearing is made, the finding of responsibility is final at the expiration of the 30-day period.

(c) If a hearing is requested, it shall be held within 30 days of the date of service of the request for hearing on the agency.

(d) Except as provided in (g) of this section, the hearing officer shall determine the amount of periodic payments necessary to satisfy the past, present, and future liability of the alleged obligor under AS 25.27.120, if any, and under any duty of support imposable under the law. The amount of periodic payments determined under this subsection is not limited by the amount of any public assistance payment made to or for the benefit of the child.

(e) The hearing officer shall consider the following in making a determination under (d) of this section:

(1) the needs of the alleged obligee, disregarding the income or assets of the custodian of the alleged obligee;

(2) the amount of the alleged obligor's liability to the state under AS 25.27.120 if any;

(3) the intent of the legislature that children be supported as much as possible by their natural parents;

(4) the ability of the alleged obligor to pay.

(f) Except as provided in (g) of this section, if the alleged obligor requesting the hearing fails to appear at the hearing, the hearing officer shall enter a decision declaring the property and income of the alleged obligor subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270 in the amounts stated in the notice and finding of financial responsibility.

(g) If the agency is establishing only a medical support order, the hearing officer shall enter a decision about the parents' respective responsibilities for the child's health care expenses that complies with the requirements of AS 25.27.060 (c).

Sec. 25.27.180. Administrative findings and decision.

(a) Within 20 days after the date of the hearing, the hearing officer shall adopt findings and a decision determining whether paternity is established and whether a duty of support exists, and, if a duty of support is found, the decision must specify

(1) unless a medical support order only is being established, the amount of periodic payments or sum for which the alleged obligor is found to be responsible; and

(2) the parents' respective responsibilities for the costs of the child's health care; this medical support order must be in compliance with AS 25.27.060 (c).

(b) Liability to the state under AS 25.27.120 is limited to the amount for which the obligor is found to be responsible under (a) of this section.

(c) A decision regarding support rendered under (a) of this section is modified to the extent that a subsequent order, judgment, or decree of a superior court is inconsistent with the decision entered under (a) of this section.

Sec. 25.27.190. Modification of administrative finding or decision.

(a) Unless a support order has been entered by a court and except as provided in AS 25.25, the obligor, or the obligee or the obligee's custodian, may petition the agency or its designee for a modification of the administrative finding or decision of responsibility previously entered with regard to future periodic support payments. In addition, the agency may initiate a modification and grant a hearing under (c) - (e) of this section.

(b) The agency shall grant a hearing upon a petition made under (a) of this section if affidavits submitted with the petition make a showing of good cause and material change in circumstances sufficient to justify action under (e) of this section.

(c) If a hearing is granted, the agency shall serve a notice of hearing together with a copy of any petition and affidavits submitted on the obligee or the obligee's custodian and the obligor personally or by registered, certified, or insured mail, return receipt requested, for restricted delivery only to the person to whom the notice is directed or to the person authorized under federal regulation to receive that person's restricted delivery mail.

(d) A hearing shall be set not less than 15 nor more than 30 days from the date of mailing of notice of hearing, unless extended for good cause.

(e) Modification or termination of future periodic support payments may be ordered upon a showing of good cause and material change in circumstances. The adoption or enactment of guidelines or a significant amendment to guidelines for determining child support is a material change in circumstances, if the guidelines are relevant to the petition. As necessary to comply with 42 U.S.C. 666, a periodic modification of child support may be made without a showing of a material change in circumstances if the child support order being modified on the periodic basis has not been modified or adjusted during the three years preceding the periodic modification.

Sec. 25.27.193. Periodic review or adjustment of support orders.

As necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide procedures and standards for the modification, through periodic review or adjustment, of a support order. Regulations adopted under this section must include procedures for periodic notice of the right to request review, procedures for hearings, and standards for adjustments regarding future periodic support payments. A modification under this section may be made without a showing of a material change in circumstances.

Sec. 25.27.194. Processing time for modification of support orders.

The agency shall use its best efforts to process modifications of support orders under AS 25.27.190 and 25.27.193 in a manner that will result in the same average processing time for modifications that increase obligors' responsibilities as for modifications that decrease obligors' responsibilities.

Sec. 25.27.195. Relief from administrative order.

(a) A clerical mistake in an administrative order issued by the agency or an error arising from an oversight or omission by the agency may be corrected by the agency at any time on the motion of an obligor.

(b) Upon the motion of an obligor, the agency may, at any time, vacate an administrative support order issued by the agency under AS 25.27.160 that was based on a default amount rather than on the obligor's actual ability to pay.

(c) Before an order may be corrected or vacated under (a) or (b) of this section, the agency must send notice of the intended action to the obligor and the custodian and provide an adequate opportunity for the obligor and custodian to be heard on the issue.

(d) If an order is vacated under (b) of this section, the agency may at the same time issue a new order establishing a support amount, based on information about the obligor's income or on the Alaska average wage standard, for periods of time covered by the previous order. Upon issuance of the new order, the agency may adjust the obligor's account to reflect the support amounts established in the new order. In no case may the agency adjust the obligor's account below zero.

Sec. 25.27.200. Use of standards in administrative determinations of support amounts.

In making its findings under AS 25.27.160 and in establishing and modifying amounts of periodic support payments under AS 25.27.180 and 25.27.190, the agency shall consider the standards adopted by regulation under AS 25.27.020 and any standards for determination of support payments used by the superior court of the district of residence of the obligor.

Sec. 25.27.210. Judicial review of administrative decisions and actions.

(a) Judicial review by the superior court of a final administrative decision establishing or disestablishing paternity and establishing or modifying a duty of support or amounts of support due may be obtained by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. A notice of appeal shall be filed within 30 days after the decision.

(b) The complete record of the proceedings, or the parts of it that the appellant designates, shall be prepared by the agency. A copy shall be delivered to all parties participating in the appeal. The original shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

(c) The complete record includes

(1) the notice and finding of financial responsibility, the notice of paternity and financial responsibility, or the notice of and petition for an action disestablishing paternity, as applicable;

(2) the request for a hearing;

(3) the decision of the hearing officer;

(4) the exhibits admitted or rejected;

(5) the written evidence;

(6) all other documents in the case, including decisions of the agency.

(d) Upon order of the superior court, appeals may be taken on the original record or parts of it. The record may be typewritten or duplicated by any standard process. Analogous rules of court governing appeals in civil matters shall be followed when this chapter is silent, and when not in conflict with this chapter.

(e) The superior court may enjoin agency action in excess of constitutional or statutory authority at any stage of an agency proceeding. If agency action is unlawfully or unreasonably withheld, the superior court may compel the agency to initiate action.

Sec. 25.27.220. Procedure in judicial reviews.

(a) An appeal shall be heard by the superior court sitting without a jury.

(b) Inquiry in an appeal extends to the following questions: (1) whether the agency has proceeded without or in excess of jurisdiction; (2) whether there was a fair hearing; and (3) whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) The court may exercise its independent judgment on the evidence. If it is claimed that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by

(1) the weight of the evidence; or

(2) substantial evidence in the light of the whole record.

(d) The court may augment the agency record in whole or in part, or hold a hearing de novo. If the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing, the court may

(1) enter judgment as provided in (e) of this section and remand the case to be reconsidered in the light of that evidence; or

(2) admit the evidence at the appellate hearing without remanding the case.

(e) The court shall enter judgment setting aside, modifying, remanding, or affirming the decision, without limiting or controlling in any way the discretion legally vested in the agency.

(f) The court in which proceedings under this section are started may stay the operation of the decision until

(1) the court enters judgment;

(2) a notice of further appeal from the judgment is filed; or

(3) the time for filing the notice of appeal expires.

(g) A stay may not be imposed or continued if the court is satisfied that it is against the public interest.

(h) If further appeal is taken, the supreme court may, in its discretion, stay the superior court judgment or agency order.

Sec. 25.27.225. Support payment obligations as judgments.

A support order ordering a noncustodial parent obligor to make periodic support payments to the custodian of a child is a judgment that becomes vested when each payment becomes due and unpaid. The custodian of the child, or the agency on behalf of that person, may take legal action under AS 25.27.226 to establish a judgment for support payments ordered by a court of this state that are delinquent.

Sec. 25.27.226. Collection of past due support.

To collect the payment due, the custodian of a child, or the agency on behalf of that person, shall file with the court (1) a motion requesting establishment of a judgment; (2) an affidavit that states that one or more payments of support are 30 or more days past due

and that specifies the amounts past due and the dates they became past due; and (3) notice of the obligor's right to respond. Service on the obligor must be in the manner provided in AS 25.27.265 . The child's custodian, or the agency on behalf of the custodian, shall file with the court proof of service of the petition, affidavit, and notice. The obligor shall respond no later than 15 days after service by filing an affidavit with the court. If the obligor's affidavit states that the obligor has paid any of the amounts claimed to be delinquent, describes in detail the method of payment or offers any other defense to the petition, then the obligor is entitled to a hearing. After the hearing, if any, the court shall enter a judgment for the amount of money owed. If the obligor does not file an affidavit under this section, the court shall enter a default judgment against the obligor.

Sec. 25.27.227. Nature of remedies.

AS 25.27.225 and 25.27.226 provide remedies in addition to and not as a substitute for any other remedies available to the parties.

Sec. 25.27.244. Adverse action against delinquent obligor's occupational license.

(a) The agency shall compile and maintain a list of obligors who are not in substantial compliance with a support order or payment schedule negotiated under (g)(1) of this section. The agency may not include an obligor on the list unless the agency has sent to the obligor, at the obligor's most recent address on file with the agency, written notice of the arrearages at least 60 days before placement on the list. The list must include the names, social security numbers, dates of birth, and last known addresses of the persons. The list shall be updated by the agency on a monthly basis.

(b) The agency shall, on a monthly basis, provide a copy of the list to each licensing entity through a computer readable magnetic medium. A licensing entity subject to this section shall implement procedures to accept and process the list. Notwithstanding any other law to the contrary, a licensing entity may not issue or renew a license for a person on the list except as provided in this section.

(c) Promptly after receiving an application from an applicant and before issuing or renewing a license, a licensing entity, other than one issuing commercial crewmember fishing licenses, shall determine whether the applicant is on the most recent list provided by the agency. If the applicant is on the list, the licensing entity shall immediately serve notice under (e) of this section of the licensing entity's intent to withhold issuance or renewal of the license. The notice shall be considered given when delivered personally to the applicant or deposited in the United States mail addressed to the applicant's last known mailing address on file with the licensing entity.

(d) Other than for a commercial crewmember fishing license, a licensing entity shall issue a temporary license valid for a period of 150 days to an applicant whose name is on the list if the applicant is otherwise eligible for a license. The temporary license may not be extended. Only one temporary license may be issued during a regular license term and its validity shall coincide with the first 150 days of that license term. A license for the full

or remainder of the license term may be issued or renewed only upon compliance with this section. If a license or application is denied under this section, money paid by the applicant or licensee shall be refunded by the licensing entity after retention of the temporary license fee, if any.

(e) Notices for use under (c) and (r) of this section shall be developed by each licensing entity under guidelines provided by the agency and are subject to approval by the agency. The notice must include the address and telephone number of the agency and shall emphasize the necessity of obtaining a release from the agency as a condition for the issuance or renewal of a license. The notice must inform an applicant whose license is governed by (d) of this section that the licensing entity shall issue a temporary license for 150 calendar days under (d) of this section if the applicant is otherwise eligible and that, upon expiration of that time period, the license will be denied unless the licensing entity has received a release from the agency. The agency shall also develop a form that the applicant may use to request a review by the agency. A copy of this form shall be included with each notice sent under (c) or (r) of this section.

(f) The agency shall establish review procedures consistent with this section to allow an applicant to have the underlying arrearages and relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances warrant.

(g) If the applicant wishes to challenge being included on the list, the applicant shall submit to the agency a written request for review within 30 days after receiving the notice under (c) or (r) of this section by using the form developed under (e) of this section. Within 30 days after receiving a written request for review, the agency shall inform the applicant in writing of the agency's findings. The agency shall immediately send a release to the appropriate licensing entity and the applicant if any of the following conditions is met:

(1) the applicant is found to be in substantial compliance with each support order applicable to the applicant or has negotiated an agreement with the agency for a payment schedule on arrearages and is in substantial compliance with the negotiated agreement; if the applicant fails to be in substantial compliance with an agreement negotiated under this paragraph, the agency shall send to the appropriate licensing entity a revocation of any release previously sent to the entity for that applicant;

(2) the applicant has submitted a timely request for review to the agency, but the agency will be unable to complete the review and send notice of findings to the applicant in sufficient time for the applicant to file a timely request for judicial relief within the 150-day period during which the applicant's temporary license is valid under (d) of this section; this paragraph applies only if the delay in completing the review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving notice from the licensing entity that the applicant's name is on the list;

(3) the applicant has, within 30 days after receiving the agency's findings following a request for review under (2) of this subsection, filed and served a request for judicial relief under this section, but a resolution of that relief will not be made within the 150-day period of the temporary license under (d) of this section; this paragraph applies only if the delay in completing the judicial relief process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the agency's notice of findings; or

(4) the applicant has obtained a judicial finding of substantial compliance.

(h) An applicant is required to act with diligence in responding to notices from the licensing entity and the agency with the recognition that the temporary license granted under (d) of this section will lapse after 150 days and that the agency and, where appropriate, the court must have time to act within that 150-day period. An applicant's delay in acting, without good cause, that directly results in the inability of the agency to complete a review of the applicant's request or the court to hear the request for judicial relief within the required period does not constitute the diligence required under this section that would justify the issuance of a release.

(i) Except as otherwise provided in this section, the agency may not issue a release if the applicant is not in substantial compliance with the order for support or with an agreement negotiated under (g)(1) of this section. The agency shall notify the applicant in writing that the applicant may request any or all of the following: (1) judicial relief from the agency's decision not to issue a release or the agency's decision to revoke a release under (g)(1) of this section; (2) a judicial determination of substantial compliance; (3) a modification of the support order. The notice must also contain the name and address of the court in which the applicant may file the request for relief and inform the applicant that the applicant's name shall remain on the list if the applicant does not request judicial relief within 30 days after receiving the notice. The applicant shall comply with all statutes and rules of court implementing this section. This section does not limit an applicant's authority under other law to request an order to show cause or notice of motion to modify a support order or to fix a payment schedule on arrearages accruing under a support order or to obtain a court finding of substantial compliance with a support order or a court finding of compliance with subpoenas and warrants described in (a) of this section.

(j) A request for judicial relief from the agency's decision must state the grounds on which relief is requested, and the judicial action shall be limited to those stated grounds. Judicial relief under this subsection is not an appeal and shall be governed by court rules adopted to implement this section. Unless otherwise provided by court rule, the court shall hold an evidentiary hearing within 20 calendar days after the filing of service on the opposing party. The court's decision shall be limited to a determination of each of the following issues, as applicable:

(1) whether there is a support order or a payment schedule on arrearages;

(2) whether the petitioner is the obligor covered by the support order; and

(3) whether the obligor is in substantial compliance with the support order or payment schedule.

(k) If the court finds that the person requesting relief is in substantial compliance with the support order or payment schedule, the agency shall immediately send a release under (g) of this section to the appropriate licensing entity and the applicant.

(l) If an applicant is in substantial compliance with a support order or payment schedule, the agency shall mail to the applicant and the appropriate licensing entity a release stating that the applicant is in substantial compliance. The receipt of a release shall serve to notify the applicant and the licensing entity that, for the purposes of this section, the applicant is in substantial compliance with the support order or payment schedule unless the agency, under (a) of this section, certifies subsequent to the issuance of a release that the applicant is once again not in substantial compliance with a support order or payment schedule.

(m) The agency may enter into interagency agreements with the state agencies that have responsibility for the administration of licensing entities as necessary to implement this section to the extent that it is cost effective to implement the interagency agreements. The agreements shall provide for the receipt by the other state agencies and licensing entities of federal money to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and licensing entities in implementing this section.

(n) Notwithstanding any other provision of law, the licensing entities subject to this section shall assess a fee for issuance of a temporary license under this section. The licensing entity shall set the amount of the fee so that the fees collected under this section, to the extent reasonable, cover the costs of implementing and administering this section.

(o) The process described in (g) of this section is the sole administrative remedy for contesting the issuance to the applicant of a temporary license or the denial of a license under this section. The procedures specified in AS 44.62.330 - 44.62.630 do not apply to the denial or failure to issue or renew a license under this section.

(p) The agency and licensing entities, as appropriate, shall adopt regulations necessary to implement this section.

(q) Notwithstanding any provision of AS 16, a commercial crewmember fishing license described in (s)(2)(A)(xvi) of this section issued to an individual whose name is on the list is void and invalid, and the individual is subject to criminal sanctions for conducting the activities for which such a license is required. The licensing entity for commercial crewmember fishing licenses shall print a notice on commercial crewmember fishing license forms stating the provisions of this subsection.

(r) After receiving information, including information from a licensing agent appointed under AS 16.05.380 , that a commercial crewmember fishing license has been issued to an applicant, the licensing entity for the license shall promptly determine whether the applicant was, at the time the applicant obtained the license, on the most recent list provided by the agency under (b) of this section. If the applicant was on that list, the licensing entity shall immediately serve notice under (e) of this section that the license is void and invalid and that, notwithstanding the limitation of (d) of this section, the applicant can request the licensing entity to issue a temporary license under this section. A notice under this subsection is considered given when delivered personally to the applicant or deposited in the United States mail addressed to the applicant's last known mailing address on file with the licensing entity.

(s) In this section,

(1) "applicant" means a person applying for issuance or renewal of a license;

(2) "license"

(A) means, except as provided in (B) of this paragraph, a license, certificate, permit, registration, or other authorization that, at the time of issuance, will be valid for more than 150 days and that may be acquired from a state agency to perform an occupation, including the following:

(i) license relating to boxing or wrestling under AS 05.10;

(ii) authorization to perform an occupation regulated under AS 08;

(iii) teacher certificate under AS 14.20;

(iv) authorization under AS 18.08 to perform emergency medical services;

(v) asbestos worker certification under AS 18.31;

(vi) boiler operator's license under AS 18.60.395 ;

(vii) certificate of fitness under AS 18.62;

(viii) hazardous painting certification under AS 18.63;

(ix) security guard license under AS 18.65.400 - 18.65.490;

(x) license relating to insurance under AS 21.27;

(xi) employment agency permit under AS 23.15.330 - 23.15.520;

(xii) registration as a broker-dealer, an agent, a state investment adviser, or an investment adviser representative under AS 45.55.030 ;

(xiii) certification as a pesticide applicator under AS 46.03.320 ;

(xiv) certification as a storage tank worker or contractor under AS 46.03.375;

(xv) certification as a water and wastewater works operator under AS 46.30;

(xvi) commercial crewmember fishing license under AS 16.05.480 other than an entry permit or interim-use permit under AS 16.43;

(xvii) fish transporter permit under AS 16.05.671 ;

(xviii) sport fishing operator license under AS 16.40.260 ;

(xix) sport fishing guide license under AS 16.40.270 ;

(B) does not include

(i) a vessel license issued under AS 16.05.490 or 16.05.530;

(ii) *[Repealed, Sec. 46 ch 57 SLA 2005]*.

(iii) a business license issued under AS 43.70;

(iv) an entry permit or interim-use permit issued under AS 16.43; or

(v) a driver's license issued under AS 28.15;

(3) "licensee" means a person holding a license or applying to renew a license;

(4) "licensing entity" means the state agency that issues or renews a license; in the case of a license issued or renewed by the Department of Commerce, Community, and Economic Development after an applicant's qualifications are determined by another agency, "licensing entity" means the department;

(5) "list" means the list of obligors and other persons compiled and maintained under (a) of this section;

(6) "substantial compliance" regarding a support order or payment schedule means that, with respect to periodic payments required under a support order or a negotiated payment schedule under (g) of this section, whichever is applicable, the obligor has

(A) no arrearage;

(B) an arrearage in an amount that is not more than four times the monthly obligation under the support order or payment schedule; or

(C) been determined by a court to be making the best efforts possible under the obligor's circumstances to have no arrearages under any support order that requires periodic payments or under a negotiated payment schedule relating to child support.

Sec. 25.27.246. Adverse action against delinquent obligor's driver's license.